

Re: Are you willing to talk about this?

From: TGP482 (raulmateas20@gmail.com)

To: acerthorn@yahoo.com

Date: Sunday, October 3, 2021, 06:30 AM CDT

First of all you sent me that email at literally 5am idk what you expected, and secondly you didn't say why I'm being sued lol

On Sun, 3 Oct 2021, 07:53 acerthorn, <acerthorn@yahoo.com> wrote:

Ok, you haven't replied yet, and I'm getting ready for bed (it's 1am in my time zone), so I will assume that my offer is rejected. Good night.

On Saturday, October 2, 2021, 09:36:37 PM CDT, TGP482 <raulmateas20@gmail.com> wrote:

No I've not been notified of being a part of the lawsuit, what am I a defendant for exactly?

On Sun, 3 Oct 2021, 03:27 acerthorn, <acerthorn@yahoo.com> wrote:

What do you mean? You say nobody in their right mind would pay \$20. But do you honestly think that matters?

The whole point of statutory damages is that *you don't have to prove actual damages*. So the fact that, in your opinion, nobody in their right mind would pay my fee is irrelevant. If I had to prove actual damages, maybe that would be a factor.

So the mere fact that he infringed on my copyright - harmlessly or otherwise - means he will be liable to me for up to \$150,000 USD.

As for the lawsuit officially connecting me, what honestly makes you think I can't simply get the case sealed after it's finished in order to protect against exactly that?

Also, are you following the lawsuit? Because if you did, you'd realize that you're a defendant in that case too.

On Saturday, October 2, 2021, 09:22:48 PM CDT, TGP482 <raulmateas20@gmail.com> wrote:

No because you wouldn't have lost anything if the video stayed up, do you seriously think anyone in their right mind would pay \$20 to watch the full stream? There's a reason why you've been doing YouTube for 3 years and only have 2 members, your content isn't good enough to pay for, simple as that. Instead of actually owning up you chose the easy way, by sliding it under the rug and pretending that nothing happened.

And now that Acerthorn is officially associated with David Stebbins because of the lawsuit with Sofiann, people are gonna see your past lawsuits and they're gonna think you're insane. You've shot yourself in the foot in every possible way with this.

On Sun, 3 Oct 2021, 02:39 acerthorn, <acerthorn@yahoo.com> wrote:

So you don't think statutory damages makes it worth it to sue him?

On Saturday, October 2, 2021, 07:28:32 PM CDT, TGP482 <raulmateas20@gmail.com> wrote:

Because your channel is tiny and wouldn't have caused you to lose any revenue, it's not like a big company having their shit stolen. This hurt you more than it did sofiann, because you wasted months on this and it's hindered the growth of your channel. If you wanna continue this add me on discord cause email is inconvenient

TGP482#2622

On Fri, 17 Sep 2021, 03:48 acerthorn, <acerthorn@yahoo.com> wrote:

So why do you say the lawsuit is a waste of time if you expect I will win?

On Thursday, September 16, 2021, 06:08:32 PM CDT, TGP482 <raulmateas20@gmail.com> wrote:

I know Sofiann is gonna lose anyway lol I told him like 4 months ago not to counter the claim cause it's most likely not fair use due to the clip mostly being footage from your stream, but it is what it is I guess

On Fri, Sep 17, 2021 at 12:06 AM acerthorn <acerthorn@yahoo.com> wrote:

Thank you.

On Thursday, September 16, 2021, 05:50:15 PM CDT, TGP482 <raulmateas20@gmail.com> wrote:

I deleted that like 20 minutes ago

On Thu, Sep 16, 2021 at 11:30 PM acerthorn <acerthorn@yahoo.com> wrote:

When do you plan on doing that? I can tell if you've deleted the video, because I have a section of my Youtube analytics dedicated to copyright. As you can see from the attached screenshot, when a person deletes their infringing video of their own accord, the "title" is changed to "video removed," the "channel" section is left blank, and the "request status" section is changed to "video already removed."

As you can see, your video is still listed under the "Greg" channel, which means it hasn't been deleted yet.

So when do you plan on deleting the video?

On Thursday, September 16, 2021, 05:00:52 PM CDT, TGP482 <raulmateas20@gmail.com> wrote:

Alright I agree with that, I'll delete the video

On Thu, Sep 16, 2021 at 10:09 PM acerthorn <acerthorn@yahoo.com> wrote:

Since you seem to already have your mind made up on this matter, let me at least say this much:

That stream was a *collab* stream. Under U.S. Copyright law, that constitutes a "joint work," and that means that Polano and I are co-authors, rather than him simply owning his stream while I own mine.

We are co-authors.

And that gives me a copyright interest in that stream.

Does that alter your perception of the issue in any way, shape, or form?

On Thursday, September 16, 2021, 11:08:03 AM CDT, TGP482

<raulmateas20@gmail.com> wrote:

Dear Mr. David Stebbins,

The clip was taken from SofiannP's Fall Guys collab stream not yours, hence why it was a bogus claim. Had it been your stream then I agree that you have the right to remove the video by any means. I have both streams saved on my PC so I can easily prove that the stream was indeed Sofiann's.

I know the real reason why you removed it, it's because you'd lose any viewers you already have if people saw you for who you actually are. Stop trying to harass me with your bogus claims and stop trying to "scare" me into doing whatever you want.

By any means show me why you own the copyright to the video if you're so confident.

And if you wanna waste another 3 months of your life, tax payers money and everyone else involved in the case then by all means you can sue me.

Sincerely,
TGP482

On Thu, Sep 16, 2021 at 9:13 AM acerthorn <acerthorn@yahoo.com> wrote:

Dear Mr. Mateas,

I have received notice of your Counter-Notification. In it, you very angrily claim that I took down a clip from a video that I do not own the copyright to. This is the basis for your Counter-Notification.

Tell me: Are you willing to listen to reason and revoke your counter-notification if you realize that I do indeed have a copyright interest in the clip you used? Because I believe I can show you that, but only if you are willing to listen. If you, like SofiannP, already have your mind made up about the issue, then I will not be able to convince you that I do indeed own the copyright.

Tell me, Mr. Mateas: Did you actually consult with an attorney before you posted that clip? Or were you simply assured by SofiannP himself that I do not own the copyright to that clip? Because if it is the latter, then I highly recommend you reconsider your position. In my interactions with SofiannP, he has repeatedly demonstrated that he does not know the first thing about copyright law, yet acts with the smug, pompous self-entitlement that you would expect from a

seasoned attorney who has been practicing copyright law for decades.

- He believes that "fair use" requires little more than throwing in some token criticism and/or commentary into an otherwise verbatim upload, when in reality, simply saying it is "a review" only gets your case for fair use in the door.
- He states my accidental livestream is not copyrighted, when in fact I have it registered with the copyright office.
- He believes that the judge in our case has already decided that his videos are fair use and thrown out my case accordingly, but the court order he points to literally says the complete opposite of that.

Like I alluded to earlier, SofiannP has already made up his mind about the matter, so no matter what I tell him, and no matter what evidence I show him, he refuses to listen.

Will you be that stubborn as well? Or are you willing to admit you are wrong and hear me out, and then withdraw your counter-notification if you realize that you were wrong?

We can go to court over this. But I am fairly confident you will lose.

So are you willing to talk about this?

Sincerely,
Acerthorn